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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/560,111	12/09/2005	Bernd Hansen	49921	2887
1609	7590	10/02/2006	EXAMINER	
ROYLANCE, ABRAMS, BERDO & GOODMAN, L.L.P. 1300 19TH STREET, N.W. SUITE 600 WASHINGTON,, DC 20036			BODAWALA, DIMPLE N	
		ART UNIT	PAPER NUMBER	
			1722	

DATE MAILED: 10/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/560,111	HANSEN, BERND	
	Examiner Dimple N. Bodawala	Art Unit 1722	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 09 December 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-8 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-8 is/are rejected.
- 7) Claim(s) 3, and 5-8 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 09 December 2005 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date: _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/9/2005</u>   | 6) <input type="checkbox"/> Other: _____                          |

## Detailed Action

### *Priority*

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### *Specification*

The disclosure is objected to because of the following informalities:

Reference No. 20 is involved with multiple components such as "the toggle seal elements" and also "the toggle seal". (**See page # 7, line 4 and 18**).

Similarly, Reference No. 34 is involved with multiple components such as "the stamp" and "the stamping unit" or "the plate like stamping unit". (**See Page 10, line 3**).

Similarly, Reference No. 58 is involved with multiple components such as "four columnar guide" and "the guide column". (**See page # 10, line 17 and 20**).

Description of the figure 1 and 2 are using Reference Nos. 32 and 46 for "Stamp", (**See Page # 10, line 21 and 25**), but Reference No. 32 indicates "the stamp" and Reference No. 46 indicates "the support stamp", and both are different part of the figures. (**See figures 1 and 2**).

Appropriate correction is required.

### *Claim Objections*

Claim 1 is objected to because of the following informalities:

Claim 1 is missing reference number for the Containers.

Furthermore, Claim 8 is using Reference No. 10 for multiple components such as "the containers" and "an edge zone".

Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

The term "**ampules**" in claim 8 is a relative term, which renders the claim indefinite. The term "ampules" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Boskovic ('606).

As to **claim 1and 4**, Boskovic ('606) discloses the stamping device in plastic injection molding for the purpose of quality control or identification. See figure 3 with

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reference no. 36, which meets the limitation of the replaceable identification data unit (42). In this device, the date that the product is made or the day that the product is formed is impressed in the product in a modest location. (See Col.1 line 10 and 21). Also figure 2 discloses longitudinally stamps (16) having a stamp unit (22) which meets the structural limitations of the claim with stamp (32) and stamping unit (34).

Boskovic ('606) further discloses the plug member as support of the device can be removed entirely from the mold portion by rotating in the counter clockwise direction. (See col.3 line 37, and figure 5).

As to **claim 2**, Boskovic ('606) discloses the plug-retaining portion as an energy device, which inherently can be a heating source. (See col.5, line 12).

**Boskovic ('606) discloses all the claimed structural limitations, and, thus, the claims are anticipated.**

**Claims 1-5and 8** are rejected under 35 U.S.C. 102(b) as being anticipated by Smith ('861).

As to **claim 1**, Smith ('861) discloses the molding apparatus by having the interchangeable dies for forming the numerals and letters comprising the identifying data. (See col.1 line 36). It also discloses the changeable indicia whereby the products formed in a series may be given individual characteristics while maintaining uniform overall appearance. (See col.2 line 38). Figure 1 discloses a head (11) and a bed (12) as stamping unit are supported by the upright standards which are provided with longitudinally spaced annular shoulders in vertically spaced parallel relation. (Col.2 lines 64 – 69).

As to **claim 2**, Smith ('861) discloses the heater (20) for heating elements. (See col.3 line 7, and figure 1).

As to **claim 3**, Smith ('861) discloses the head (11) and a bed (12) as stamping unit are supported by the upright standards which are provided with longitudinally spaced annular shoulders in vertically spaced parallel relation. (See col.2 line 65). Handles are formed in the outer ends of the slides (28) as the identification data unit, which project from the die holding plate (26) providing ready means for removing and interchanging the slides in the direction. (See col. 3 line 7, and Figure 1).

As to **claim 4**, Smith ('861) discloses the slides (28) which carrying character forming indicia is opposed and separated elements relatively movable toward and away from each other between a compression position and a retracted position. (See col. 5 lines 7-10).

As to **claim 5**, Smith ('861) discloses the standards (13) slidably pass through suitable apertures in the corner of the platen (18) as support plate thereby guiding and stabilizing the platen in longitudinal movement toward and away from the head of the press. (See col. 3 line 3)

As to **claim 8**, Smith ('861) discloses the trimming edge (42), which determines the outline and marginal form of product or molding the material over the edge. The trimming edge extends a short distance above the embossed data in order to have desired product. (See col.3 line 66).

**Smith ('861) discloses all the claimed structural limitations, and, thus, the claims are anticipated.**

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

**Claim 3, 6, and 8** are rejected under 35 U. S. C. 103(a) as being unpatentable over Boskovic ('606) in view of Ernest ('685).

Boskovic ('606) discloses the plug-retaining portion comprises an insert for a plastic injection mold for the direction of delivery and removal of the product. Boskovic ('606) further discloses an enlarged top plan view of a series of inserts installed in a mold. (See figure 3). It further teaches a support plate (12) and the associate plate (16; 12), which meets the structural limitations of the instant claims. (See figure 1 and 2).

However, Boskovic ('606) does not disclose the specific direction such as longitudinal or transverse of delivery and removal of the products, and also does not teach piston rod and housing elements.

As to **claim 3**, in the analogous art, Ernest ('685) discloses a mold of extremely simple construction and one, which is capable of being readily dissembled to permit the removal of the product. The mold in its present embodiment is of rectangular formation and comprises the walls. The walls, from their position, can swing from the parallel spaced position outwardly to permit the ready removal of the molded block from the mold. (See col.1 line 20, col.2 line 60, and also Figure 2 and 3). Figure 2 and 3 disclose the front-end member carries a plurality of duct forming member which are arranged in a vertical series and in spaced parallel relation to each other. (See col.2 line 100). It further discloses the formation of the product is formed with a plurality of longitudinally extending duct of the circular form in cross section. (See col.3 line 20)

As to **claim 6** Ernest ('685) discloses the groove forming member (G) is secured in proper position on and to the parallel side wall by mean of a rod (16), (See figure 6), which passes through the tube and has its opposite ends twisted at right angles to provide extension which contact with the vertical edges of the side wall and are secured by means of binding members. (See col.2 line 76).

As to **claim 8**, Ernest ('685) discloses when the mold has been completely filled with a plastic material and allowed to stand a time sufficient to allow the setting of the material, which gives the result of forming of successive products. (See Col.3 line 14). The mold can be readily removed from the block by first disengaging the hooks from the keeper and gripping the handle and pulling the front wall outwardly from the mold. (See col.3 line 41).

It would have been obvious to one of ordinary skill in this art at the time of invention by applicant, to have modified the stamping device of Boskovic ('606) by the product and/or the stamping unit is/are heated for the stamping the identification data, and the direction of delivery and removal of the products as suggested by Ernest ('685) in order to provide information of specific direction of delivery and removal of the production in longitudinal or transverse with respect to the stamping direction of the stamp.

**Claim 5 and 7** are rejected under 35 U.S.C. 103(a) as being unpatentable over Boskovic ('606) in view of Ernest ('685) and further in view of Huang ('426).

Boskovic ('606) and Ernest ('685) disclose all the structural limitations as discussed above but do not disclose the columnar guide and a guide plate.

In the analogous art, Huang ('426) discloses a support member has an end plate with an aperture defined there through and two connection bars extend perpendicularly from each other of the support member. (See col.2 line 37)

Figures 3 and 4 disclose the support frame (30) as the guide plate which is connected to the frame (10) by the hooking parts. A support member 30 has an end plate with an aperture (31) as the support plate defined there through and two connection bars extend perpendicular from each other of support member (30). The printing face is accessible via the aperture (31) of the support frame (30) and stamps on the product. (See col. 2 lines 37, and 61).

It would have been obvious to one of ordinary skill in this art at the time of invention by applicant, to have modified the stamping device of Boskovic ('606) and

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Ernest ('685) by providing the columnar guides of the stamping unit and guide plate for the support stamp, as further suggested by Huang ('426) in order to provide information of columnar guide as connection bars and guide plate as supporting frame.

**Claims 6 and 7** are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith ('861) in view of Timke ('861).

Smith ('861) discloses all the structural limitations as discussed above but does not disclose the piston rod and the guide plate.

In the analogous art, Timke ('861) discloses a cylinder which has a plunger rod (26) connected through an arm (28) to the vertically moveable rods (30), which support the case (22) in uppermost position. (See Figure3, Col.2 line 65).

Figure 3 discloses the molding plunger (32) as a guide plate is supported on a longitudinally moveable member (34) as a plate like stamping unit, which together with the case (22) as a support plate is guided and oriented buy the vertical posts (36) as a column suspension. (See col.3 line 3).

It would have been obvious to one of ordinary skill in this art at the time of invention by applicant, to have modified the molding apparatus of Smith ('861) by providing the columnar guides of the stamping unit and guide plate for the support stamp, as further suggested by Timke ('861) in order to provide information of rod and molding plunger as guide plate.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

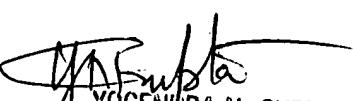
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dimple N. Bodawala whose telephone number is (571) 272- 6455. The examiner can normally be reached on Monday - Friday at 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra N. Gupta can be reached on (571) 272-1316. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DNB

  
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9/27/06